

DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220



Procurement  
Instruction  
Memorandum  
No. 99-1 Rev A  
Sep 26, 2000

**MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS**

**FROM:** Corey M. Rindner, Director  
Office of Procurement

**SUBJECT:** VETS-100 Reporting, CAAC Letter 98-6 - PIM 99-1, Revision A

**Purpose:** This PIM revises PIM 99-1 dated January 7, 1999 and continues to implement VETS-100 reporting requirements.

**Background:** The Civilian Agency Advisory Council (CAAC) issued the attached CAAC Letter 98-6 dated December 18, 1998, implementing the requirement for the VETS-100 Report. 38 U.S.C. 4212(d) required that Federal contractors annually report on several aspects of their employment and hiring of certain veterans. To implement this requirement, CAAC recommended that a provision to be added to all solicitations exceeding \$25,000 that use appropriated funds.

Treasury requested further clarification of this requirement. The CAAC, after consultation with the Department of Labor (DOL), agreed that the VETS-100 reporting requirement does not apply to simplified acquisitions nor does it apply to commercial items acquisitions of \$5,000,000 or less that use the simplified procedures authorized by FAR Subpart 13.5.

**Effective Date:** Immediately.

**Expiration Date:** This PIM remains in effect until canceled or superseded.

**Implementation:** Use the provision recommended in the attached CAAC letter for all solicitations exceeding \$25,000 that use appropriated funds. Do not include this provision in acquisitions that use simplified acquisition threshold procedures or in acquisitions for commercial items of \$5,000,000 or less, including options, that use the simplified procedures authorized by FAR Subpart 13.5.

Contracting officers will be required to contact DOL if the offeror indicates in its proposal that it has not submitted its most recent required report. DOL's Office of Veterans Employment and Training can be contacted at (703) 461-2460 or at VETS100@dyncorp.com.

For any contract containing FAR clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era, the contracting officer may exercise an option valued above \$25,000 only after determining that the contractor has submitted the most recent report required by that clause.

Questions regarding this PIM should be directed to Nancy Kerlin at (202) 622-0946.

Attachment



U.S. GENERAL SERVICES ADMINISTRATION  
Office of Governmentwide Policy

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DEC 18, 1998

CIVILIAN AGENCY ACQUISITION COUNCIL LETTER 98-6

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM:

*Edward C. Loeb*  
EDWARD C. LOEB  
CHAIRMAN  
CIVILIAN AGENCY ACQUISITION COUNCIL

SUBJECT:

VETS-100 Reporting

Title 38, US Code, Section 4212 (d) requires that Federal contractors report on several aspects of their employment and hiring of special disabled and Vietnam era veterans or other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. The report is to be submitted each year not later than September 30. The report is known as the VETS-100 report. The statutory requirement is implemented in the Department of Labor (DOL) regulations at 41 CFR 61-250.

Public Law 105-339, which was enacted October 31, 1998, provides in summary at Section 1354:

(a)(1) No agency may obligate or expend funds appropriated for the agency for a fiscal year to enter into a contract described in 4212(a) of title 38 with a contractor from which a report was required under section 4212(d) with respect to the preceding fiscal year if the contractor did not submit the required report.

(a)(2) Paragraph (a)(1) ceases to apply to a contractor otherwise covered by that paragraph on the date on which the contractor submits the report required by section 4212(d) for the fiscal year concerned.

The statute also increases the threshold of covered contractors and subcontractors from \$10,000 to \$25,000, and requires the Department of Labor to make available in a database the list of contractors that have filed the VETS-100 report for the current reporting report.

Pending modification of the Federal Acquisition Regulation, and the establishment of the aforementioned database at DOL, it is recommended that civilian agencies include a solicitation provision substantially the same as the following in all solicitations over \$25,000.00 using appropriated funds.

## COMPLIANCE WITH VETERANS EMPLOYMENT REPORTING REQUIREMENTS

(a) The Offeror represents that, if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e. the VETS -100 report required by the Federal Acquisition Regulation clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has [ ], has not [ ] submitted the most recent report required by 38 U.S.C. 4212(d).

(b) An Offeror who checks "has not" may not be awarded a contract until the required reports are filed. ( 31 U.S.C. 1354)

(End of Provision)

Civilian agencies are advised that, for any contracts containing the clause at 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era, the contracting officer should exercise an option with a value exceeding the \$25, 000.00 threshold only after determining that the contractor has submitted the most recent report required by that clause.

For further information regarding questions related to the Veterans Employment Reporting Requirements, contracting officers may contact the DOL Office of Veterans Employment and Training at (703) 461-2460 or E-mail VETS100@dyncorp.com.

Until the FAR is amended to reflect these policies, civilian agencies are encouraged to immediately follow the procedures described herein. In accordance with FAR 1.404(a), this letter serves as evidence of consultation with the Chairman of the Civilian Agency Acquisition Council as provided in FAR 1.404(a)(1).